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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/728,683

12/05/2003

Michael J. Gauer

14012-054001/50-03-047

9079

26230 7590 11/24/2008
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EXAMINER

THOMAS, ASHISH

ART UNIT

PAPER NUMBER

2625

NOTIFICATION DATE

DELIVERY MODE

11/24/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/728,683	Applicant(s) GAUER, MICHAEL J.	
	Examiner ASHISH K. THOMAS	Art Unit 2625	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-33. The rejection used for the previous office action is once again applied to claims.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/David K Moore/
 Supervisory Patent Examiner, Art Unit 2625

/Ashish K Thomas/
 Examiner, Art Unit 2625

Continuation of 11. does NOT place the application in condition for allowance because:

In page 3 of the remarks, the Applicant argues that the usage of Phang and Ochiai references with respect to the rejection of claim 1 is not valid. In page 3, paragraph 2 of the remarks, the Applicant specifically points out that "Phang fails to teach two print regions-one for print data and the other for information such as headers and footer-because Phang specifically discloses that headers/footers are part of a document."

In response, the Examiner respectfully disagrees with this assertion. While headers/footers are part of a document, it is a widely known concept that headers/footers occupy an area of the printed page that is not occupied by the print data. In fact, column 1, lines 40-47 of Phang discloses that the "headers, footers and line numbers are included on the area outside of the work area." This is a clear demonstration of the well known concept of two different areas-one for data such as headers and footers and another for the print data itself.

In page 3, paragraph 4 of the remarks, the Applicant asserts that "Ochiai must be modified to make the rejection, else Phang's system would end up with the user identification information and page information printed on the back surface of a sheet." The applicant further contends in page 4, paragraphs 1 and 2 of the remarks that the Examiner fails to provide a motivation for combining Phang with Ochiai.

In response, the Examiner respectfully disagrees with this assertion as well. Phang teaches the concept of headers/footers as being part of a printed page. More specifically, Phang teaches that the headers/footers are found in one portion of the printed page while the print data itself is found in another(column 1, lines 40-47). But Phang does not explicitly point out how the information contained in the header/footer is accessed. To meet this missing limitation, what is needed is a prior art that teaches accessing user information to be printed on a page. This prior art does not necessarily have to teach accessing strictly header/footer information, rather it just needs to convey the concept of accessing user information that is printed on a page. And this is why the Ochiai reference was used. The Ochiai reference talks about accessing information with respect to the sender of document and then printing such information on the back of the sheet(paragraphs 31-33). This combination seems obvious to the Examiner. The phang reference is modified in such a way that the header/footer consists of accessed user information. As for the motivation, all this enables one to clearly view the identification information of a certain print job; this identification information is found in the header/footer portion of the printed page. Please note that the motivation was cited by the Examiner in the previous office action as well.

In page 5, paragraph 1 of the remarks, the Applicant asserts that the Phang reference fails to teach the claim limitation cited in claim 2.

In response, the Examiner respectfully disagrees. Attention must be given to the claim language itself. The claim language merely talks about "receiving a request to format information associated with a sender of document data." It does not detail the type of formatting information that is inputted by the user. In the absence of such detail, the Examiner uses the broadest reasonable interpretation of the claim language in interpreting the claim to merely mean that the formatting consists of how the sender data is presented. Column 5, lines 50-55 of Phang teaches that the user can select a margin emulation feature. Such scaling will have an effect on how all data, even the data contained in the headers/footers, is presented. So, it follows that the selection of a margin emulation feature will have an effect on how the user data is presented. Furthermore, please note that the ability to select the margin inherently teaches on a user interface that enables the user to make such selections. Without some type of a user interface, the user won't be able to select the margins.

In pages 5 and 6 of the remarks, the Applicant contends the Examiner's rejection of claims 3, 8, and 12. These arguments are the same arguments presented in the Applicant's previous response dated on 5/5/2008. Note that the Examiner addressed these arguments in the office action dated on 8/20/2008.